

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

Joshua Dawn Manning, )  
Petitioner, ) Civil Action No. 4:14-cv-04721-JMC  
v. )  
Leroy Cartledge, Warden McCormick )  
Correctional Institution, )  
Respondent. )  
\_\_\_\_\_  
)

**ORDER**

This matter is before the court upon review of Magistrate Judge Thomas E. Rogers, III's Report and Recommendation ("Report"), filed on June 12, 2015 (ECF No. 22), recommending that Petitioner Joshua Dawn Manning's Petition for Writ of Habeas Corpus be dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) for failing to respond to Respondent Leroy Cartledge's Motion for Summary Judgment (ECF No. 17, 18), or alternatively dismissed as barred by the statute of limitations.

The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

The parties were advised of their right to file objections to the Report. (ECF No. 22-1.) However, neither party filed any objections to the Report.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law. The court **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 22), Respondent's Motion for Summary Judgment (ECF No. 18) is **GRANTED** and this Petition (ECF No. 1) is **DISMISSED** with prejudice.

**IT IS SO ORDERED.**



United States District Judge

July 9, 2015  
Columbia, South Carolina